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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/040,439

01/09/2002

Takuya Sakuma

13876

2864

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EXAMINER

VAN BRAMER, JOHN W

ART UNIT

PAPER NUMBER

3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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31 DAYS

04/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/040,439	SAKUMA, TAKUYA	
	Examiner	Art Unit	
	John Van Bramer	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

A system for extracting customers based upon the following conditions:

- I. A single condition is required.
- II. Two conditions are required.
- III. Three conditions are required.
- IV. Four conditions are required.

The species are independent or distinct because each species requires that a different number of conditions are used in order to extract prospective customers.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claim 2 is generic to species I, II, and IV.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require

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all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. Should the applicant elect group I, these claims contain the following patentably distinct species:

- la. Extracting prospective customers based upon the condition that at least one of; sales, profits, rates of increase thereof, or ranking thereof in product purchases. (Claim 20)
- lb. Extracting prospective customers based upon the condition that at least one of; amount, unit price and frequency of purchase, rates of increase thereof and ranking thereof; or latest date of purchase. (Claim 22)
- lc. Extracting prospective customers based upon the condition that at least one of; contents, frequency, count, ranking thereof, or latest date of occurrence of product troubles. (Claim 23)
- ld. Extracting prospective customers based upon the condition that a seller's requirement that is defined by an operation expression. (Claim 24)
- le. An operator of the system specifying a specific customer. (Claim 26)
- lf. A history of notices on a purchase proposal for the product. (Claim 27)

The species are independent or distinct because each rely on a specific and distinct method of conditional extraction.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, independent Claims 1, 2 and 41 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. Should the applicant elect group II, these claims contain the following patentably distinct species:

- Ila. Extracting prospective customers based upon the use of both of the following conditions: At least one of; sales, profits, rates of increase thereof, or ranking thereof in product purchases and at least one of;

amount, unit price and frequency of purchase, rates of increase thereof and ranking thereof; or latest date of purchase. (Claim 30)

IIb. Extracting prospective customers based upon the use of both of the following conditions: At least one of; sales, profits, rates of increase thereof, or ranking thereof in product purchases and at least one of; contents, frequency, count, ranking thereof, or latest date of occurrence of product troubles. (Claim 31)

IIc. Extracting prospective customers based upon the use of both of the following conditions: At least one of; sales, profits, rates of increase thereof, or ranking thereof in product purchases and a seller's requirement that is defined by an operation expression. (Claim 32)

IId. Extracting prospective customers based upon the use of both of the following conditions: at least one of; amount, unit price and frequency of purchase, rates of increase thereof and ranking thereof; or latest date of purchase and at least one of; contents, frequency, count, ranking thereof, or latest date of occurrence of product troubles. (Claim 33)

IIE. Extracting prospective customers based upon the use of both of the following conditions: at least one of; amount, unit price and frequency of purchase, rates of increase thereof and ranking thereof; or latest date of purchase and a seller's requirement that is defined by an operation expression. (Claim 34)

- II. Extracting prospective customers based upon the use of both of the following conditions: at least one of; contents, frequency, count, ranking thereof, or latest date of occurrence of product troubles and a seller's requirement that is defined by an operation expression. (Claim 35)

The species are independent or distinct because each relies on the use of two specific and distinct methods of conditional extraction in order to extract a potential customer.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, independent Claims 29 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. Should the applicant elect group III, these claims contain the following patentably distinct species:

- IIIa. Extracting prospective customers based upon the use of the three following conditions: At least one of; sales, profits, rates of increase thereof, or ranking thereof in product purchases and at least one of; amount, unit price and frequency of purchase, rates of increase thereof and ranking thereof; or latest date of purchase and at least one of; contents, frequency, count, ranking thereof, or latest date of occurrence of product troubles. (Claim 36)
- IIIb. Extracting prospective customers based upon the use of the three following conditions: At least one of; sales, profits, rates of increase thereof, or ranking thereof in product purchases and at least one of; amount, unit price and frequency of purchase, rates of increase thereof and ranking thereof; or latest date of purchase, and a seller's requirement that is defined by an operation expression. (Claim 37)
- IIIc. Extracting prospective customers based upon the use of the three following conditions: At least one of; sales, profits, rates of increase thereof, or ranking thereof in product purchases and at least one of; contents, frequency, count, ranking thereof, or latest date of occurrence of product troubles and a seller's requirement that is defined by an operation expression. (Claim 38)

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IIId. Extracting prospective customers based upon the use of the three following conditions: At least one of; amount, unit price and frequency of purchase, rates of increase thereof and ranking thereof; or latest date of purchase and at least one of; contents, frequency, count, ranking thereof, or latest date of occurrence of product troubles and a seller's requirement that is defined by an operation expression. (Claim 39)

The species are independent or distinct because each relies on the use of three specific and distinct methods of conditional extraction in order to extract a potential customer.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, independent Claims 29 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If

claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. In summary, the above restriction by species requires the applicant to elect only one of the following groups for examination:

- Ia. Claims 1-21, 28 and 41
- Ib. Claims 1-19, and 22
- Ic. Claims 1-19, and 23
- Id. Claims 1-19, and 24-25
- Ie. Claims 1-19, and 26
- If. Claims 1-19, and 27
- IIa. Claims 29 and 30
- IIb. Claims 29 and 31
- IIc. Claims 29 and 32
- IId. Claims 29 and 33
- IIe. Claims 29 and 34
- IIIf. Claims 29 and 35
- IIIa. Claims 29 and 36
- IIIb. Claims 29 and 37
- IIIc. Claims 29 and 38
- IIId. Claims 29 and 39
- IV. Claims 29 and 40

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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